

**COUNTY COUNCIL OF FREDERICK COUNTY
WORKSHOP MINUTES
Tuesday, June 27, 2017**

Council Members Bud Otis, President; M.C. Keegan-Ayer, Vice-President; Jerry Donald, Tony Chmelik, Jessica Fitzwater, Kirby Delauter and Billy Shreve were present for the meeting.

Also present were Ragen Cherney, Council Chief of Staff; Wendy Kearney, County Attorney's Office; and Nancy Luna, Recording Secretary.

Council Member Otis called the meeting to order at 4:30 p.m. in the first floor hearing room, Winchester Hall, 12 East Church Street, Frederick, Maryland.

The meeting began with a moment of silence followed by the Pledge of Allegiance.

What's Next? Briefing: Phase 2 Report Summary

Mr. Kevin Demosky, Utilities and Solid Waste Management Division introduced Mr. John Daniels, Solid Waste Steering Committee and Mr. Jeremy Morris, Geosyntec who gave a general overview of the Phase 2 report summary.

Adoption of Amended Council Rules

Council Member Keegan-Ayer moved to approve the amended Council Rules as presented. Council Member Fitzwater seconded the motion.

Council Member Keegan-Ayer moved Amendment #1. It was seconded by Council Member Fitzwater.

An ACT to: amend section 3-4 by adding as follows:

- (C) REQUESTS TO STAFF TO PREPARE AN AMENDMENT TO A PENDING BILL SHALL BE MADE NOT LATER THAN THE CLOSE OF BUSINESS ON THE THIRD BUSINESS DAY PRIOR TO THE COUNCIL MEETING DATE WHEN THE AMENDMENT IS TO BE INTRODUCED.**

EXPLANATION:

BOLD CAPITALS INDICATE MATTER ADDED TO THE BILL.

[Brackets] indicate matter deleted from the bill.

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The vote on Amendment #1 to the Council Rules passed 6-1 with Council Member Shreve opposed.

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 - Donald	X		
District 2 - Chmelik	X		
District 3 - Keegan-Ayer	X		
District 4 - Fitzwater	X		
District 5 - Delauter	X		
At-large - Otis			
At-large - Shreve		X	
Presiding Officer - Otis	X		

Council Member Keegan-Ayer moved Amendment #2. It was seconded by Council Member Chmelik.

An ACT to: amend section 4-2 by striking language and adding as follows:

- (b) During [Council member workshops] **THE FIRST TUESDAY MEETING OF EVERY MONTH** there will be an agenda item entitled “Discussion of New Business Items” where it will be possible for individual members to bring up items for discussion for possible inclusion on future agendas according to the established Rules of Procedure.

EXPLANATION:

BOLD CAPITALS INDICATE MATTER ADDED TO THE BILL.

[Brackets] indicate matter deleted from the bill.

The vote on Amendment #2 to the Council Rules passed 5-2 with Council Members Delauter and Shreve opposed.

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 - Donald	X		
District 2 - Chmelik	X		
District 3 - Keegan-Ayer	X		
District 4 - Fitzwater	X		
District 5 - Delauter		X	
At-large - Otis			
At-large - Shreve		X	
Presiding Officer - Otis	X		

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Council Member Keegan-Ayer moved Amendment #3. It was seconded by Council Member Fitzwater.

Council discussion was held. Council Member Keegan-Ayer tabled the amendment until the July 11, 2017, Council meeting.

Council Member Keegan-Ayer moved Amendment #4. It was seconded by Council Member Fitzwater.

An ACT to: amend section 4-2 by adding as follows:

- (c) WHEN PRESENTING WRITTEN MATERIALS TO THE COUNCIL DURING A PUBLIC MEETING, A MINIMUM OF TEN (10) COPIES SHALL BE PROVIDED TO THE COUNCIL AND STAFF. IF ADDITIONAL COPIES ARE NEEDED, A REQUEST SHOULD BE MADE TO COUNCIL STAFF PRIOR TO THE COUNCIL MEETING TO MAKE THE NECESSARY COPIES FOR PRESENTATION.**

EXPLANATION:

BOLD CAPITALS INDICATE MATTER ADDED TO THE BILL.

[Brackets] indicate matter deleted from the bill.

The vote on Amendment #4 to the Council Rules passed 6-1 with Council Member Shreve opposed.

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 - Donald	X		
District 2 - Chmelik	X		
District 3 - Keegan-Ayer	X		
District 4 - Fitzwater	X		
District 5 - Delauter	X		
At-large - Otis			
At-large - Shreve		X	
Presiding Officer - Otis	X		

Council Member Shreve moved Amendment #5. It was seconded by Council Member Chmelik.

An ACT to: amend section 4-2 by adding as follows:

- (d) TO PROMOTE DISCUSSION, THREE (3) COUNCIL MEMBERS MAY VOTE, AT ANY TIME, TO DISCUSS AN ITEM WITH THE**

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**COUNCIL. THE ITEM FOR DISCUSSION IS NOT REQUIRED TO
BE IN WRITING.**

EXPLANATION:

BOLD CAPITALS INDICATE MATTER ADDED TO THE BILL.

[Brackets] indicate matter deleted from the bill.

The vote on Amendment #5 to the Council Rules failed 3-4 with Council Members Donald, Keegan-Ayer, Fitzwater and Otis opposed.

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 - Donald		X	
District 2 - Chmelik	X		
District 3 - Keegan-Ayer		X	
District 4 - Fitzwater		X	
District 5 - Delauter	X		
At-large - Otis			
At-large - Shreve	X		
Presiding Officer - Otis		X	

Council Member Shreve moved Amendment #6. It was seconded by Council Member Chmelik.

An ACT to: amend section 4-2 by adding as follows:

- (e) **COUNCIL MEMBERS MAY ASK QUESTIONS OF ANY ONE
TESTIFYING OR OTHER COUNCIL MEMBERS AT ANY TIME THE
COUNCIL IS MEETING AS A GROUP, INCLUDING WORKSHOPS,
PUBLIC HEARINGS, AND LEGISLATIVE DAYS.**

EXPLANATION:

BOLD CAPITALS INDICATE MATTER ADDED TO THE BILL.

[Brackets] indicate matter deleted from the bill.

The vote on Amendment #6 to the Council Rules failed 3-4 with Council Members Donald, Keegan-Ayer, Fitzwater and Otis opposed.

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 – Donald		X	
District 2 – Chmelik	X		
District 3 - Keegan-Ayer		X	
District 4 – Fitzwater		X	
District 5 – Delauter	X		
At-large – Otis			

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At-large – Shreve	X		
Presiding Officer – Otis		X	

Council Member Keegan-Ayer moved Amendment #7. It was seconded by Council Member Fitzwater.

An ACT to: amend section 4-7 by adding as follows:

- (e) **WHEN PRESENTING WRITTEN MATERIALS TO THE COUNCIL DURING A PUBLIC HEARING, A MINIMUM OF TEN (10) COPIES SHALL BE PROVIDED TO THE COUNCIL AND STAFF. IF ADDITIONAL COPIES ARE NEEDED, A REQUEST SHOULD BE MADE TO COUNCIL STAFF SHALL PRIOR TO THE COUNCIL MEETING TO MAKE THE NECESSARY COPIES FOR PRESENTATION.**

EXPLANATION:

BOLD CAPITALS INDICATE MATTER ADDED TO THE BILL.

[Brackets] indicate matter deleted from the bill.

The vote on Amendment #7 to the Council Rules passed 6-1 with Council Member Shreve opposed.

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 – Donald	X		
District 2 – Chmelik	X		
District 3 - Keegan-Ayer	X		
District 4 – Fitzwater	X		
District 5 – Delauter	X		
At-large – Otis			
At-large – Shreve		X	
Presiding Officer – Otis	X		

Council Member Keegan-Ayer moved Amendment #8. It was seconded by Council Member Fitzwater.

An ACT to: 4-12 is amended by adding as follows:

4-12 QUASI-JUDICIAL MATTERS TO INCLUDE REZONINGS, WATER & SEWER AMENDMENTS, ETC.

- (a) **ALL INTERESTED INDIVIDUALS WHO MAY GIVE TESTIMONY SHALL BE SWORN IN AT THE COMMENCEMENT OF THE QUASI-JUDICIAL COUNCIL ITEM.**

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- (b) THE STAFF REPORT AND REVIEWING AGENCY COMMENTS WILL BE PRESENTED.**
- (c) THE APPLICANT SHALL BE GIVEN 15 MINUTES TO MAKE THEIR PRESENTATION TO THE COUNCIL, FOLLOWED BY QUESTIONS FROM THE COUNCIL MEMBERS ALONG WITH AN OPPORTUNITY FOR CROSS-EXAMINATION BY INTERESTED PARTIES. COUNCIL MEMBER INQUIRIES AND CROSS-EXAMINATION SHALL OCCUR AFTER THE APPLICANT'S 15 MINUTES PRESENTATION.**
- (d) PUBLIC COMMENT SHALL BE 3 MINUTES PER SPEAKER AND 10 MINUTES FOR RECOGNIZED ORGANIZATIONS. COUNCIL MEMBER QUESTIONS AND AN OPPORTUNITY FOR CROSS-EXAMINATION WILL BE PERMITTED FOR EACH SPEAKER.**
- (e) THE APPLICANT SHALL HAVE 5 MINUTES FOR REBUTTAL AFTER ALL PUBLIC COMMENTS HAVE BEEN RECEIVED AND COUNCIL MEMBER QUESTIONS ANSWERED.**
- (f) AT THE CONCLUSION OF THE APPLICANT REBUTTAL COUNCIL DISCUSSION WILL FOLLOW AND COUNCIL MEMBERS MAY REQUEST ADDITIONAL INFORMATION TO BE SUBMITTED INTO THE RECORD AND MADE AVAILABLE TO ALL INTERESTED PARTIES, OR THE COUNCIL MAY VOTE TO CLOSE THE RECORD.**
- (g) IF THE HEARING IS NOT COMPLETED OR THE RECORD IS NOT CLOSED, THE COUNCIL SHALL ESTABLISH A DATE/TIME CERTAIN WHEN THE MATTER WILL BE DISCUSSED AGAIN. AFTER THE RECORD IS CLOSED, THE COUNCIL MAY DECIDE THE MATTER – AND PROVIDE DIRECTION TO STAFF TO PREPARE THE APPROPRIATE DOCUMENTATION TO REFLECT THE COUNCIL'S DECISION.**
- (h) WHEN STAFF HAS COMPLETED PREPARATION OF THE DOCUMENTATION OF THE COUNCIL'S DECISION, THE ITEM WILL BE PLACED ON THE COUNCIL'S AGENDA FOR SIGNATURE.**

EXPLANATION:

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The vote on Amendment #8 to the Council Rules passed 6-1 with Council Member Shreve opposed.

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 – Donald	X		
District 2 – Chmelik	X		
District 3 - Keegan-Ayer	X		
District 4 – Fitzwater	X		
District 5 – Delauter	X		
At-large – Otis			
At-large – Shreve		X	
Presiding Officer – Otis	X		

New Business Items

None

Adjourn

The meeting adjourned at 6:23 p.m.

Bud Otis, President
County Council